THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 15226 of 2004

Between:

Mrs.Celine Fernandez, W/o.Sri G.J.Fernandez, R/o.25-B Entrenchment Road, Marredpally, Secunderabad.

..... PETITIONER

AND

1. Govt. of A.P. rep.by its Secretary, Revenue Dept., Secretariat, Hyderabad and others.

..RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 15226 of 2004

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ORDER:

This writ petition has been filed by Mrs. Celine Fernandez with a prayer to issue writ, order or direction preferably a writ in the nature of writ of Mandamus, declaring the action of the respondents in issuing DKT pattas in respect of the land situate in Sy.No.24/3 of Tirumalagiri village and Mandal, Hyderabad District and thus allowing encroachers to encroach into the land of the petitioner as being illegal, arbitrary and violative of Articles 14 and 300-A of the constitution of India.

It is the case of the petitioner that he purchased Ac.4.03 guntas of land under a registered sale deed vide document No.265/62 dated 19.2.1962 from the State Bank of India, which obtained Letter of Administration in OP NO. 93 of 1958 on the file of the Chief Judge City Civil Court, Secunderabad. It is the further case of the petitioner that the Government under mistaken impression that the lands belongs to it, assigned part of the land to certain persons. Thereupon, she submitted a representation for cancellation of the pattas. The District Collector, Hyderabad, on through enquiry, recommended for cancellation of the pattas, so far as they relate to her land vide letter No.C1/C6/2356/99 dated 30.07.2003. She submitted representation to the Joint Collector, Hyderabad District for implementation of the order passed in letter dated 30.07.2003. Since no action has been taken in implementing the said order, she has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India.

Heard the learned counsel for the petitioner and the learned Government Pleader for assignment appearing on behalf of the respondents.

The learned counsel for the petitioner submits that the District Collector, after through enquiry, recommended for cancellation of the pattas in respect of the land claimed by the petitioner and thereafter the concerned authorities have not initiated any action and therefore, the petitioner has chosen to approach this Court, by filing a writ petition. He refers the letter dated 30.7.2003 addressed to the Revenue Divisional Officer, Secunderabad. I deem it appropriate to refer relevant portion of the letter and it reads thus:

> "*I invite your attention to the references cited, and inform that a clarification has been called for from the Dy.Director, Survey and Land Records regarding the land in dispute. As per the report of Dy.Director, Survey & Land Records, the land in dispute to an extent of 566 sq.yards in which Possession Certificates were issued by the RDO falls within the boundary of Sy.No.24/3 of Tirumalagiri village. And the land in survey no.24/3 of Tirumalgiri (village) measuring Ac.4.03 is in the name of Smt Celine Fernandez.*"

Subsequently, the petitioner submitted representation to the Joint Collector for implementation of the order.

In that view of the matter , I deem it appropriate to dispose of the writ

petition, directing the 2nd and the 3rd respondents to dispose of the representation of the petitioner within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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26-10-2005

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